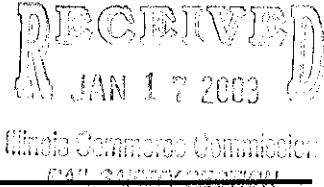


STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

COPY

CITY OF ROCK ISLAND, ILLINOIS,)
a municipal corporation,)
Petitioners,)
v.)
THE BURLINGTON NORTHERN AND SANTA FE)
RAILWAY COMPANY A/K/A BURLINGTON)
NORTHERN RAILROAD COMPANY,)
Respondent.)

No. T 02 0114



**THE BURLINGTON NORTHERN AND SANTA FE
RAILWAY COMPANY'S RESPONSE TO PETITIONER'S
MOTION FOR LEAVE TO FILE RESPONSE INSTANTER**

Now comes respondent, The Burlington Northern and Santa Fe Railway Company ("BNSF"), by its attorneys, Kenneth J. Wysoglad & Associates and for its response to petitioner's motion for leave to file response instanter, states as follows:

1. Respondent, BNSF does not object to petitioners' motion for leave to file instanter its response to BNSF's motion to strike and dismiss petitioner's petition in the above captioned cause. However, should petitioner's motion be granted, respondent, BNSF would request seven (7) days from the date of the order granting petitioner's motion in which to file its reply to petitioner's response.

KENNETH J. WYSOGLAD & ASSOCIATES

A handwritten signature in black ink, appearing to read "Michael L. Sazdanoff", written over a horizontal line.

Michael L. Sazdanoff
Kenneth J. Wysoglad & Associates
Attorneys for Respondent
The Burlington Northern and Santa Fe Railway Company
118 S. Clinton Street, Suite 700
Chicago, Illinois 60661
(312) 441-0333

DOCKETED

PROOF OF SERVICE

Michael L. Sazdanoff, being first duly sworn on oath, deposes and says that on the 13th day of JANUARY, 2003 he caused to be served, a true and correct copy of **THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RESPONSE TO PETITIONER'S MOTION FOR LEAVE TO FILE RESPONSE INSTANTER** upon:

Mr. Phillip E. Koenig
Konecky, Koenig, Kutsunis and Weng
1515 Fourth Avenue, Suite 301
Rock Island, Illinois 61201

Mr. Henry Humphries
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

by depositing same in the U.S. Mail depository located at Adams and Clinton Streets, Chicago, Illinois in an envelope(s) with first-class postage, prepaid.

